

Appl. No.10/815,804
Amdt. dated 10/27/08

Reply to Office Action of 6/27/08

REMARKS

The June 27, 2008 Office Action objected to the drawings and rejected all claims pending in the application under 35 USC §§102 and 103. The present Amendment and Response amends claims 1 and 8 and cancels claims 2 and 9. Applicant respectfully requests reconsideration of objection to the drawings, consideration of the enclosed amendments and remarks, and withdrawal of the §§102 and 103 rejections.

In the Drawings

The Examiner objected to the drawings for failing to show every feature of the invention specified in the claims. Specifically, the Examiner states that the claimed feature of "a mediator" is not shown in the drawings.

The Applicant respectfully disagrees with the Examiner and directs the Examiner's attention to page 6 of the originally filed specification and Figure 5. For example, page 6 of Applicant's specification recites, "with reference to the alternative embodiment of **Figure 5**, server mediated transfers can be conducted via a **server 11** or "**mediator**" for accepting, buffering and relaying the object on behalf of either network portal 1 or 3. During the exchange of IrDA capabilities between the two network portals 1 and 3, the IP address of the **mediator 11** is provided by the network portal 1 or 3 that cannot support buffered or streamed data. If both network portals report a **mediator**, the IP of the mediator from the network portal that originated the voice call is chosen."

The Applicant requests the Examiner to re-review the selected specification and figures from Applicant's disclosure. Accordingly, Applicant requests reconsideration of the objection to the originally filed drawings.

In the Claims

Schuster Reference

All claims stand rejected under single reference, Schuster et al., U.S. Patent No. 6,681,252. For the following reasons stated below, Applicant respectfully traverses these rejections.

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Foreign Counterparts

Applicant respectfully brings to the Examiner's attention that the same '252 Schuster reference has been cited by examiner's in both the corresponding Canadian and European patent applications. Further, on March 26, 2008, the European patent granted as EP 1465387 and on September 9, 2008, the Canadian patent granted as 2,463,013.

In general, Schuster discloses methods for interconnecting portable devices through a network based telecommunications system. Each portable device registers to a corresponding internet-enabled phone using the portable device user's SIP URL. [Abstract] In turn, the phone is registered to a network telephony connection server 150. In practice, once the portable device is registered with the server (e.g., through a pairing process with the phone), calls to the SIP URL for the portable device will be directed to the corresponding network phone. [Column 17, lines 1-12] In other words, it is a requirement of Schuster that the server and the phone "recognize" the portable device before data may be transferred to the phone or the portable device can receive calls.

In contrast, Applicant's disclosure and claims as recited provide a more simplified method and system for transferring data between portable electronic devices. Applicant's claims recite that the portable devices are unregistered with the telephony devices, thus, it is not a requirement that the telephony device "know" or "recognize" the portable device prior to receiving a data transmission. Thus, any portable electronic device which supports the wireless protocol of the telephony device may transfer data to the telephony device for transmission over the network. Applicant's claim establish a voice-call path between the two telephony devices and using the address from the voice-call open a separate TCP socket to transfer the data. It is not a requirement that the telephony devices have a registration for the portable electronic device, as it is in Schuster.

Accordingly, Applicant submits that Schuster fails to teach, suggest or disclose each and every element of Applicant's claims as recited. Applicant requests the withdrawal of the Section 102 and 103 rejections to all claims pending, 1, 3-8 and 10-15.

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CONCLUSION

In view of the foregoing, Applicant requests the withdrawal of the §§102 and 103 rejections to the claims and entry of the enclosed amendments. No new matter is being submitted. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the application, then the Examiner is invited to contact the undersigned at the Examiner's convenience. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Date:

October 27, 2008

Respectfully submitted,
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